

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATHAN GILLIS,

Plaintiff,

v.

MICHAEL MEISNER, ANTHONY ASHWORTH,  
GARY HAMBLIN and CAPT. MORGAN,

Defendants.  
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ORDER

11-cv-560-bbc

In this civil action, plaintiff Nathan Gillis is proceeding on his claims that prison staff violated his rights by blocking him from transferring money from his prison account to his mother and niece. Now before the court are plaintiff's motions for clarification regarding the stay on his motion for summary judgment and for reconsideration of the January 4, 2012 order denying plaintiff's motion for a preliminary injunction.

On December 28, 2011, plaintiff filed a motion for partial summary judgment against defendants relating to plaintiff's violations of due process, dkt. #13. In a text-only order entered on January 3, 2012, the magistrate judge stayed briefing on plaintiff's motion, stating that a briefing schedule will be set following the January 25, 2012 preliminary

pretrial conference.

As plaintiff should be aware, this court explicitly orders that discovery not begin until after the pretrial conference is held. Defendants may need the opportunity to conduct discovery on the factual issues plaintiff raises in his motion for summary judgment and have time to properly prepare for their defense. Furthermore, at the preliminary pretrial conference the magistrate judge will set the schedule for the case and discuss with the parties how the case will proceed and detail procedures for filing and defending motions for summary judgment. Following this conference, the parties will receive a written order along with a copy of this court's written procedural instructions. Because the parties have not yet had the benefit of the pretrial conference, it was appropriate to stay briefing on plaintiff's motion for partial summary judgment.

Regarding plaintiff's motion for reconsideration of the January 4, 2012 order denying his motion for a preliminary injunction ordering prison staff to allow plaintiff to send money to his cousin, plaintiff fails to raise any argument persuading me that my previous decision was incorrect. I denied the motion because it appeared that prison staff's refusal to send money to plaintiff's cousin encompassed a new set of facts that are not a part of the claims on which plaintiff has been allowed to proceed (plaintiff's claims in this case concern his request to send money to his mother and niece.) In order to have this new claim considered in this case, plaintiff will have to amend his complaint to include this claim. I again stress

that if plaintiff chooses to file an amended complaint, he should make sure to include the dates of his requests and defendants' responses so that the court can understand what transactions are at issue in this case.

#### ORDER

IT IS ORDERED that

1. Plaintiff Nathan Gillis's motion for clarification, dkt. #23, is GRANTED.
2. Plaintiff's motion for reconsideration of the court's January 4, 2012 order, dkt. #22, is DENIED.

Entered this 25th day of January, 2012.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge